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April 7, 2020

**VIA ECF**

Hon. Laura T. Swain  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**MEMO ENDORSED**

**RE: *Victor Lopez v. VF Outdoor, LLC d/b/a The North Face,*  
No. 1:19-cv-11768-LTS-OTW  
Unopposed Letter Motion to Stay Case**

Dear Judge Swain:

I represent Defendant, VF Outdoor, LLC (“VF Outdoor”), in this case. I write with the consent of Plaintiff’s counsel to request a stay of all proceedings in this case until August 4, 2020. This request is made to permit the Court and the parties to benefit from forthcoming rulings on motions to dismiss in similar cases pending before the Court, as well as similar cases pending in the Eastern District of New York.

As background, the above-captioned case is before the Court along with two related matters (*Lopez v. Vans, Inc.*, No. 1:19-cv-11809-LTS-OTW and *Lopez v. Timberland LLC*, No. 19-cv-11769-LTS-OTW) in which Plaintiff asserts that VF Outdoor has violated the Americans with Disabilities Act, the New York State Human Rights Law, and the New York City Human Rights Law with respect to the gift cards associated with its the North Face, Timberland, and Vans brands.

Pursuant to a prior ruling of the Court, VF Outdoor’s answer or other response to the Complaint is currently due on April 10, 2020. If no stay is entered, VF Outdoor is prepared to file a motion to dismiss in this action.

The legal issues raised by this action are substantively the same as those raised in numerous other similar cases pending before the Court. In many of those cases, defendants have already filed motions to dismiss that raise the same issues that VF Outdoor intends to raise in this case. Several of those motions are either ripe for decision or far along in the briefing process. *See Delacruz v. Ruby Tuesday, Inc.*, No. 1:19-CV-10319-LTS (S.D.N.Y.) (Swain, J.) (briefing on motion to dismiss First Amended Complaint closed as of March 27, 2020); *Yovanny Dominguez v. SoulCycle Inc.*, No. 1:19-cv-10815-LTS (S.D.N.Y.) (Swain, J.) (motion to dismiss Complaint filed on March 27, 2020); *see, e.g., Lopez v. The Stop & Shop Supermarket Co. LLC*, No. 1:19-CV-09913-JMF (S.D.N.Y.) (Furman, J.) (briefing on motion to dismiss closed on March 30,

2020); *Camacho v. Dave & Buster's Entertainment Inc.*, No. 2:19-CV-06022-GRB0AKT (E.D.N.Y.) (Brown, J.) (bundled briefing on motion to dismiss filed on February 24, 2020, matter related to numerous similar cases under 2:19-CV-06078).

A stay favors judicial economy, in that it will allow the Court and the parties to benefit from consideration of the same legal issues presented in already-briefed motions to dismiss. A stay also allows the parties and the Court to conserve resources by avoiding potentially unnecessary briefing at a time when both Court staff and counsel are working under many unusual constraints necessitated by the COVID-19 pandemic. Indeed, the Court has already recently entered an order staying a case for these reasons. *See Matzura v. Eddie Bauer, LLC*, No. 1:19-CV-10143-LTS-SLC, ECF No. 25 (S.D.N.Y.) (Swain, J.) (staying matter until August 4, 2020). Several other judges have done likewise. *See, e.g., Calcano v. Domino's Pizza, Inc.*, No. 1:19-cv-09823-GHW, ECF No. 24 (S.D.N.Y.) (Woods, J.); *Delacruz v. Five Below, Inc.*, No. 19-cv-10294-RA, ECF No. 16 (S.D.N.Y.); *Calcano v. Guess ?, Inc.*, No. 1:19-cv-10441-KPF, ECF No. 18 (S.D.N.Y.) (Failla, J.); *Dominguez v. Marshalls of MA, Inc.*, No. 1:19-cv-10626, ECF No. 20 (S.D.N.Y.) (Ramos, J.); *Calcano v. Drybar Holdings LLC*, No. 1:19-cv-11389-VEC, ECF No. 10 (S.D.N.Y.) (Caproni, J.).

For these reasons, the parties respectfully request that the Court enter a stay in this case until August 4, 2020, or such other date as the Court designates.

The request is granted. The case is stayed until August 4, 2020. DE#14 resolved.

SO ORDERED.

4/7/2020

/s/ Laura Taylor Swain

Respectfully submitted,



Edward P. Abbot, Esq.

**HAWKINS PARNELL & YOUNG, LLP**

cc: Bradley Gurion Marks, Esq. (via ECF)